

SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM
(Continued from 9/03/03)

SUBJECT: Pacific Atlantic Rezone from A-1 (Agriculture) to RP (Residential Professional). (Cayetano and Cristeta Cruzada, applicants)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date 10/01/03 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for a Rezone from A-1 to RP on 0.27 acres, per the attached Development Order, on property located on the east side of Tuskawilla Road, 650 feet north of Dike Road (Cayetano and Cristeta Cruzada, applicants); or
2. Recommend DENIAL of the request for a Rezone from A-1 to RP on 0.27 acres, based on findings made by the Commissioners, on property located on the east side of Tuskawilla Road, 650 feet north of Dike Road (Cayetano and Cristeta Cruzada, applicants); or
3. Continue the item to a time and date certain.

District 1 – Maloy

Jeff Hopper, Senior Planner

BACKGROUND:

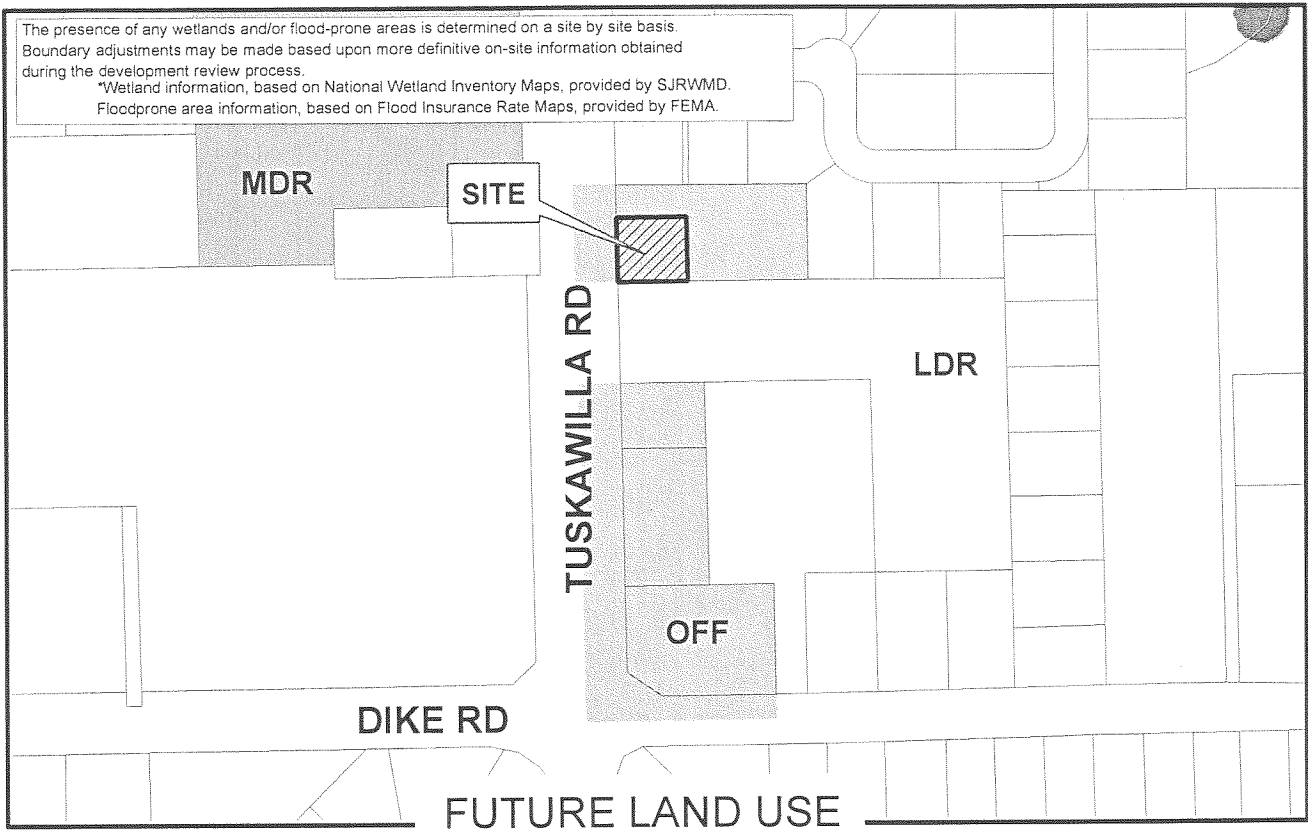
The applicant has established an office use on the property, originally developed as a single family home. Responding to Code Enforcement action, the applicant requested a change in future land use designation from Low Density Residential (LDR) to Office, and a rezone from A-1 to RP. The necessary small scale amendment was approved by the Board of County Commissioners on March 11, 2003. The attendant zoning change allowing actual use of the property for office purposes is now under consideration.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested rezone per the attached development order.

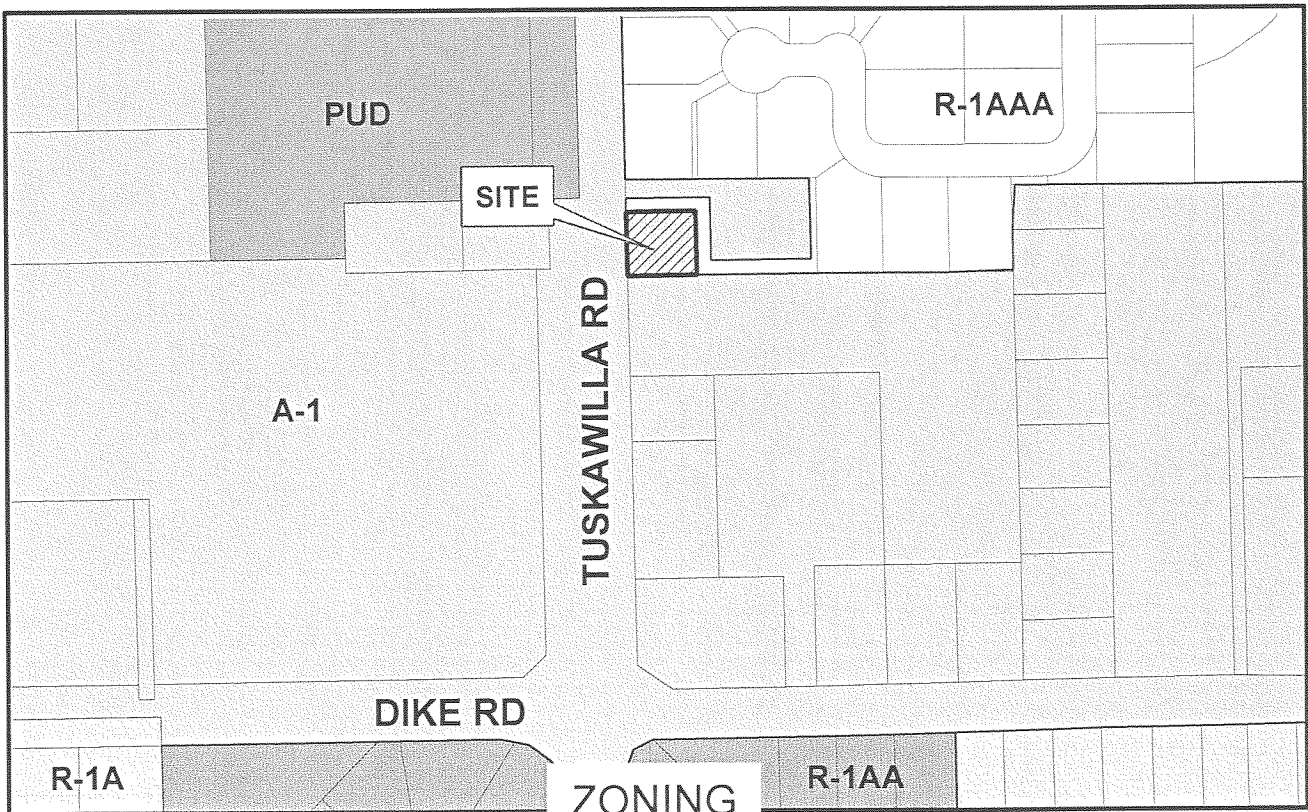
Reviewed by:	
Co Atty:	<u>KC SA</u>
DFS:	
OTHER:	<u>MW</u>
DCM:	
CM:	
File No.	<u>Z2002-029</u>

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Applicant: Cayetano R. and Cristeta M. Cruzada
 Physical STR: 25-21-30-300-0040-0000
 Gross Acres: 0.27 BCC District: 1
 Existing Use: Single Family Residence
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-029	A-1	RP





Amendment No. 02-11SS.01

From: LDR To: OFF

Rezone No. Z2002-029

From: A-1 To: OP

☐ Subject Property

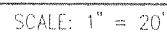
☐ Parcelbase



February 1999 Color Aerials

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(NOT PLATTED)



PACIFIC ATLANTIC REZONE

REQUEST INFORMATION		
APPLICANT	Cayetano & Cristeta Cruzada	
PROPERTY OWNERS	Cayetano & Cristeta Cruzada	
REQUEST	Rezone from A-1 (Agriculture) to RP (Residential-Professional)	
HEARING DATE(S)	P&Z: October 1, 2003	BCC: October 28, 2003
SEC/TWP/RNG	25-21-30-300-0040-0000	
LOCATION	East side of Tuskawilla Rd., 0.1 mile north of Dike Rd.	
FUTURE LAND USE	Office	
FILE NUMBER	Z2003-029	
COMMISSION DISTRICT	District 1 (Maloy)	

OVERVIEW

Zoning Request: The applicant has established an office use on the property, originally developed as a single family home. Responding to Code Enforcement action, the applicant requested a change in future land use designation from Low Density Residential (LDR) to Office, and a rezone from A-1 to RP. The necessary small scale amendment was approved by the Board of County Commissioners on March 11, 2003. The attendant zoning change allowing actual use of the property for office purposes is now under consideration.

At the same time as the applicant's land use amendment, the Board approved an additional amendment, brought by the BCC itself, to change the land use designation on four other properties adjacent to or near the subject site. As a result, there is a significant quantity of Office land use in the vicinity on the east side of Tuskawilla Road, covering the distance from Stonehurst Subdivision to Dike Road, a distance of nearly 800 feet. (The exception is the Montessori School property, which remains in the LDR land use designation and A-1 zoning.) All of these properties now are eligible for consideration of office development under the OP or RP districts.

As the proposed office use is now consistent with the Vision 2020 Plan, major issues center on the intensity of the use and appropriate site design to ensure compatibility with surrounding land uses. The current business operation, which has been allowed to continue pending the outcome of the rezoning application, consists of a mortgage business running 8-hour shifts, 7 days per week. Up to 6 employees per shift are present on the site.

The existing building consists of 2,370 square feet of office area and a garage, converted to storage use, 497 square feet in size. Required parking per the Land Development Code is 12 spaces, while the applicant's site plan shows 10. It should be noted that two of these spaces, located to the east of the building, are double-loaded, meaning that they can be blocked by vehicles using other designated spaces. This arrangement can be

approved by the Board through the RP site plan approval and development order under appropriate conditions, such as limitation to use as employee parking. The four spaces on the east side of the building are shown as 18 feet in depth rather than the standard 20; this is to provide additional turn-around room at the end of the driveway for vehicles preparing to exit the site.

To compensate for the amount of parking proposed, which does not meet Code requirements, the number of employees should be reduced to 5. This would allow 4 regular employees conducting the mortgage business, an equal number of clients, and a secretary to park on the site simultaneously. (The remaining space would be for handicapped use.)

The proposed layout provides space for buffers as required by Code. While the adjoining property to the north and east contains a single family residence, the zoning of this parcel is primarily A-1 and the future land use designation is Office; in this situation, active/passive buffer requirements do not apply. The south buffer, adjacent to the Montessori site, should include a 6-foot opaque fence for visual separation between the two uses.

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Zoning	Future Land Use	Existing Land Use
North	R-1AAA* / A-1	Office	SF residential
South	A-1	LDR	school/child care facility
East	R-1AAA* / A-1	Office	SF residential
West	A-1	LDR	SF residential
* 20-foot strip only			

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the Office future land use designation, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site.

4. Information on stormwater capacity and outfall will have to be provided prior to Final Site Plan approval.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with surrounding development: The proposed RP zoning classification is consistent with the Office future land use designation of the Vision 2020 Plan.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the request subject to the following conditions:

- a. The site shall be limited to general office use, with no medical or dental offices permitted.
- b. Double-loaded parking spaces shall be limited to a total of 4 and shall be for employee use only.
- c. Hours of operation shall be limited to 7 a. m. – 7 p.m. Monday-Friday.
- d. No more than 5 employees shall be present on the site at any time.
- e. Buffers on the north, east and south shall be at least 5 feet in width and provide one (1) canopy tree per 25 linear feet.
- f. The west buffer shall be a 5-foot minimum and 10-foot average width, and provide one (1) canopy tree per 25 linear feet.
- g. The south buffer shall include a 6-foot opaque fence.
- h. Outdoor lighting shall be limited to cutoff-shoebox style fixtures at a maximum height of 16'. Building-mounted lighting shall direct light toward the building, and shall not create glare visible from off the site.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On October 28, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: CAYETANO AND CRISTETA CRUZADA

Project Name: PACIFIC ATLANTIC

Requested Development Approval: Rezoning from A-1 to RP (Residential Professional)

The Development Approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The site shall be limited to general office use, with no medical or dental offices permitted.
- b. Double-loaded parking spaces shall be limited to a total of 4 and shall be for employee use only.
- c. Hours of operation shall be limited to 7 a. m. – 7 p.m. Monday-Friday.
- d. No more than 5 employees shall be present on the site at any time.
- e. Buffers on the north, east and south shall be at least 5 feet in width and provide one (1) canopy tree per 25 linear feet.
- f. The west buffer shall be a 5-foot minimum and 10-foot average width, and provide one (1) canopy tree per 25 linear feet.
- g. The south buffer shall include a 6-foot opaque fence.
- h. Outdoor lighting shall be limited to cutoff-shoebox style fixtures at a maximum height of 16'. Building-mounted lighting shall direct light toward the building, and shall not create glare visible from off the site.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Daryl G. McLain
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, CAYETANO CRUZADA, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

_____ By: _____
Print Name CAYETANO CRUZADA

Witness

Print Name

STATE OF FLORIDA**COUNTY OF SEMINOLE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CAYETANO CRUZADA, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, CRISTETA CRUZADA, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

_____ By: _____
Print Name CRISTETA CRUZADA

Witness

Print Name

STATE OF FLORIDA**COUNTY OF SEMINOLE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CRISTETA CRUZADA, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

The West 185 feet of the South 100 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 25, Township 21 South, Range 30 East, Seminole County, Florida, LESS Road Right-of-Way.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE RP (RESIDENTIAL-PROFESSIONAL) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Pacific Atlantic Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to RP (Residential-Professional):

LEGAL DESCRIPTION ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of filing by the Department of State and recording of Development Order #2-22000007 in the official land records of Seminole County.

ENACTED this 28th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A

LEGAL DESCRIPTION

The West 185 feet of the South 100 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 25, Township 21 South, Range 30 East, Seminole County, Florida, LESS Road Right-of-Way.